

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

NEIL HUGHES,

*Plaintiff,*

v.

Civil Action No. 3:23-cv-00037

THE CITY OF CHARLOTTESVILLE,

*Defendant.*

**ANSWER**

COMES NOW your Defendant, The City of Charlottesville (“City”), by counsel, and for its Answer to the Amended Complaint says as follows:

1. Paragraph 1 of the Amended Complaint is an attempted statement of jurisdiction and requires no response from your Defendant.
2. Defendant admits the allegations in Paragraph 2 of the Amended Complaint.
3. Defendant admits the allegations contained in Paragraph 3 of the Amended Complaint as to venue only and denies any remaining allegations in the paragraph.
4. Defendant denies the allegations in the first sentence of Paragraph 4 of the Amended Complaint. Defendant admits only the Exhibits 1 and 2 speak for themselves and denies the remainder of the paragraph.
5. Defendant admits only that Exhibit 3 speaks for itself, otherwise denied.
6. Defendant denies the allegations contained in Paragraph 6 of the Amended Complaint. Defendant admits only that Exhibit 4 speaks for itself, otherwise denied.
7. The allegations contained in Paragraph 7 of the Amended Complaint constitute a conclusion of law, which requires no response from your Defendant.

8. The allegations contained in Paragraph 8 of the Complaint constitute a conclusion of law, which requires no response from your Defendant. Upon information and belief, Defendant admits only that Hughes apparently has resided in Radiant, Virginia.

9. Defendant denies the allegations in Paragraph 9 of the Amended Complaint since Charlottesville City Parks and Recreation is not an agency but rather a Department of the City of Charlottesville.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 10 of the Amended Complaint.

11. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 11 of the Amended Complaint.

12. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 12 of the Amended Complaint.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 13 of the Amended Complaint.

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 14 of the Amended Complaint.

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 15 of the Amended Complaint.

16. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 16 of the Amended Complaint.

17. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 17 of the Amended Complaint.

18. The allegations contained in Paragraph 18 of the Amended Complaint constitute a conclusion of law, which requires no response from your Defendant.

19. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 19 of the Amended Complaint.

20. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 20 of the Amended Complaint.

21. Defendant denies the allegations in Paragraph 21 of the Amended Complaint.

22. Defendant admits the allegations in Paragraph 22 of the Amended Complaint.

23. To the extent the allegations in Paragraph 23 of the Amended Complaint constitute conclusions of law, they require no response from your Defendant.

24. Defendant admits the allegations in the first sentence of Paragraph 24 of the Amended Complaint. Defendant denies the allegations in the second sentence of Paragraph 24 of the Amended Complaint.

25. Defendant denies the allegations in Paragraph 25 of the Amended Complaint.

26. Defendant denies the allegations in Paragraph 26 of the Amended Complaint.

27. Defendant denies the allegations in Paragraph 27 of the Amended Complaint.

28. Defendant denies the allegations in Paragraph 28 of the Amended Complaint.

29. Defendant denies the allegations in Paragraph 29 of the Amended Complaint.

30. Defendant denies the allegations in Paragraph 30 of the Amended Complaint.

31. Defendant denies the allegations in Paragraph 31 of the Amended Complaint.

32. Defendant admits the allegations in Paragraph 32 of the Amended Complaint.

33. Defendant denies the allegations in Paragraph 33 of the Amended Complaint.

34. Defendant admits only that Hughes was required to take paid CPR training. The remaining allegations contained in Paragraph 34 of the Amended Complaint constitute conclusions of law or are allegations as to which Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations as phrased in Paragraph 34.

35. Defendant denies the allegations in Paragraph 35 of the Amended Complaint.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36 of the Amended Complaint.

37. Defendant denies the allegations in Paragraph 37 of the Amended Complaint.

38. Defendant admits only that Hughes was rehired with his first day of work 7/7/21 and denies the remaining allegations as phrased in Paragraph 38 of the Amended Complaint.

39. Defendant denies the allegations in Paragraph 39 of the Amended Complaint.

40. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 40 of the Amended Complaint.

41. Defendant denies the allegations in Paragraph 41 of the Amended Complaint.

42. Defendant denies the allegations in Paragraph 42 of the Amended Complaint.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43 of the Amended Complaint.

44. Defendant admits the allegations in Paragraph 44 of the Amended Complaint.

45. Defendant admits the allegations in Paragraph 45 of the Amended Complaint.

46. Defendant denies the allegations in Paragraph 46 of the Amended Complaint.

47. Defendant admits the allegations in the first sentence of Paragraph 47 of the Amended Complaint. Defendant denies the allegations in the second sentence of Paragraph 47 of the Amended Complaint.

48. Defendant admits the allegations and admission by Plaintiff in Paragraph 48 of the Amended Complaint.

49. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations as phrased in Paragraph 49 of the Amended Complaint.

50. Defendant admits the allegations in the first sentence of Paragraph 50 of the Amended Complaint. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 50 of the Amended Complaint.

51. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of Paragraph 51 of the Amended Complaint. Defendant denies the allegations in the second sentence of Paragraph 51 of the Amended Complaint. Defendant admits the allegations in the third and fourth sentence of Paragraph 51 of the Amended Complaint.

52. Defendant admits the allegations of fact in the first two sentences of Paragraph 52 of the Amended Complaint and that some of the accommodations requested imposed an undue hardship on the City. Defendant denies the remaining allegations in that Paragraph as phrased.

53. Defendant denies the allegations in Paragraph 53 of the Amended Complaint.

54. Defendant denies the allegations in Paragraph 54 of the Amended Complaint.

55. Defendant admits the allegations in Paragraph 55 of the Amended Complaint.

56. Defendant admits the allegations in Paragraph 56 of the Amended Complaint.

57. Defendant denies the allegations in Paragraph 57 of the Amended Complaint.

58. Defendant admits the allegations in Paragraph 58 of the Amended Complaint.
59. Defendant denies the allegations in Paragraph 59 of the Amended Complaint.
60. Defendant denies the allegations as phrased in Paragraph 60 of the Amended Complaint.
61. Defendant denies the allegations in Paragraph 61 of the Amended Complaint.
62. Defendant denies the allegations in Paragraph 62 of the Amended Complaint.
63. Defendant denies the allegations in Paragraph 63 of the Amended Complaint.
64. Defendant denies the allegations in Paragraph 64 of the Amended Complaint.
65. Defendant denies the allegations in Paragraph 65 of the Amended Complaint.
66. Defendant denies the allegations in Paragraph 66 of the Amended Complaint.
67. Defendant denies the allegations in Paragraph 67 of the Amended Complaint.
68. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations as phrased in Paragraph 68 of the Amended Complaint.
69. Defendant admits the allegations in Paragraph 69 of the Amended Complaint.
70. Defendant admits the allegations in Paragraph 70 of the Amended Complaint.
71. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations as phrased in Paragraph 71 of the Amended Complaint.
72. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations as phrased in Paragraph 72 of the Amended Complaint.
73. Defendant admits that it attempted to meet with Plaintiff to address his requests but that Plaintiff refused. Defendant denies the remaining allegations in Paragraph 73 of the Amended Complaint.

74. Defendant admits only that it attempted to meet with Plaintiff to address his requests but that Plaintiff refused. Defendant denies the remaining allegations in Paragraph 74 of the Amended Complaint.

75. Defendant denies the allegations in Paragraph 75 of the Amended Complaint.

76. Defendant denies the allegations in Paragraph 76 of the Amended Complaint.

77. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations as phrased in Paragraph 77 of the Amended Complaint.

78. Defendant denies the allegations in the first sentence of Paragraph 78 of the Amended Complaint. Defendant admits the allegations in the second sentence of Paragraph 78 of the Amended Complaint.

79. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations as phrased in Paragraph 79 of the Amended Complaint.

80. Defendant incorporates by reference its response to Paragraphs 1-79 above.

81. The allegations contained in Paragraph 81 of the Amended Complaint constitute conclusions of law, which require no response from your defendant.

82. The allegations contained in Paragraph 82 of the Amended Complaint constitute conclusions of law, which require no response from your defendant.

83. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 83 of the Amended Complaint.

84. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 84 of the Amended Complaint.

85. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 85 of the Amended Complaint.



86. Defendant denies the allegations in Paragraph 86 of the Amended Complaint.
87. Defendant denies the allegations in Paragraph 87 of the Amended Complaint.
88. Defendant denies the allegations in Paragraph 88 of the Amended Complaint.
89. Defendant denies the allegations in Paragraph 89 of the Amended Complaint.
90. Defendant denies the allegations in Paragraph 90 of the Amended Complaint.
91. Defendant denies the allegations in Paragraph 91 of the Amended Complaint.
92. Defendant denies the allegations in Paragraph 92 of the Amended Complaint.
93. Defendant admits the allegations in Paragraph 93 of the Amended Complaint.
94. Defendant denies the allegations in Paragraph 94 of the Amended Complaint.
95. Defendant denies the allegations in Paragraph 95 of the Amended Complaint.
96. Defendant denies the allegations in Paragraph 96 of the Amended Complaint.
97. Defendant denies the allegations in Paragraph 97 of the Amended Complaint.
98. Defendant denies the allegations in Paragraph 98 of the Amended Complaint.
99. Defendant denies the allegations in Paragraph 99 of the Amended Complaint.
100. Defendant denies the allegations as phrased in Paragraph 100 of the Amended Complaint, subject to its admission to Paragraph 48.

101. Defendant denies the allegations in Paragraph 101 of the Amended Complaint.
102. Defendant denies the allegations in Paragraph 102 of the Amended Complaint.
103. Defendant denies the allegations in Paragraph 103 of the Amended Complaint.
104. Defendant denies the allegations in Paragraph 104 of the Amended Complaint.
105. Defendant incorporates by reference its response to Paragraphs 1-104 above.
106. The allegations contained in Paragraph 106 of the Amended Complaint constitute conclusions of law, which requires no response from your Defendant.



- 107. Defendant denies the allegations in Paragraph 107 of the Amended Complaint.
- 108. Defendant denies the allegations in Paragraph 108 of the Amended Complaint.
- 109. Defendant denies the allegations in Paragraph 109 of the Amended Complaint.
- 110. Defendant denies the allegations in Paragraph 110 of the Amended Complaint.
- 111. Defendant denies the allegations in Paragraph 111 of the Amended Complaint.
- 112. Defendant denies the allegations in Paragraph 112 of the Amended Complaint.
- 113. Defendant denies the allegations in Paragraph 113 of the Amended Complaint.
- 114. Defendant denies the allegations in Paragraph 114 of the Amended Complaint.
- 115. Defendant denies the allegations in Paragraph 115 of the Amended Complaint.
- 116. Defendant denies the allegations in Paragraph 116 of the Amended Complaint.
- 117. Defendant denies the allegations in Paragraph 117 of the Amended Complaint.
- 118. Defendant denies the allegations in Paragraph 118 of the Amended Complaint.
- 119. Defendant denies the allegations in Paragraph 119 of the Amended Complaint.
- 120. Defendant denies the allegations in Paragraph 120 of the Amended Complaint.
- 121. Defendant denies the allegations in Paragraph 121 of the Amended Complaint.

ADA retaliation Plaintiffs cannot recover legal damages in any event.

- 122. Defendant denies the allegations in Paragraph 122 of the Amended Complaint.

ADA retaliation Plaintiffs cannot recover legal damages in any event.

- 123. Defendant incorporates by reference its response to Paragraphs 1-122 above.
- 124. The allegations contained in Paragraph 124 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

- 125. Defendant denies the allegations in Paragraph 125 of the Amended Complaint.
- 126. Defendant denies the allegations in Paragraph 126 of the Amended Complaint.

127. Defendant denies as phrased the allegations in Paragraph 127 of the Amended Complaint but admits that the accommodation Plaintiff belatedly requested imposed an undue hardship on the City.

128. Defendant denies the allegations in Paragraph 128 of the Amended Complaint.

129. Defendant denies the allegations in Paragraph 129 of the Amended Complaint.

130. Defendant denies the allegations in Paragraph 130 of the Amended Complaint.

131. Defendant denies the allegations in Paragraph 131 of the Amended Complaint.

132. Defendant denies the allegations in Paragraph 132 of the Amended Complaint.

133. Defendant denies the allegations in Paragraph 133 of the Amended Complaint.

134. Defendant incorporates by reference its response to Paragraphs 1-133 above.

135. The allegations contained in Paragraph 135 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

136. The allegations contained in Paragraph 136 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

137. The allegations contained in Paragraph 137 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

138. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 138 of the Amended Complaint.

139. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 139 of the Amended Complaint.

140. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 140 of the Amended Complaint.

141. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 141 of the Amended Complaint.

142. The allegations contained in Paragraph 142 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

143. Defendant denies the allegations in Paragraph 143 of the Amended Complaint.

144. Defendant denies the allegations in Paragraph 144 of the Amended Complaint.

145. Defendant denies the allegations in Paragraph 145 of the Amended Complaint.

146. Defendant denies the allegations in Paragraph 146 of the Amended Complaint.

147. Defendant denies the allegations in Paragraph 147 of the Amended Complaint.

148. Defendant denies the allegations in Paragraph 148 of the Amended Complaint.

149. Defendant admits the allegations in Paragraph 149 of the Amended Complaint.

150. Defendant denies the allegations in Paragraph 150 of the Amended Complaint.

151. Defendant denies the allegations in Paragraph 151 of the Amended Complaint.

152. Defendant denies the allegations in Paragraph 152 of the Amended Complaint.

153. Defendant denies the allegations in Paragraph 153 of the Amended Complaint.

154. Defendant denies the allegations as phrased in Paragraph 154 of the Amended Complaint, subject to its admission to Paragraph 48.

155. Defendant denies the allegations in Paragraph 155 of the Amended Complaint.

156. Defendant denies the allegations in Paragraph 156 of the Amended Complaint.

157. Defendant denies the allegations in Paragraph 157 of the Amended Complaint.

158. Defendant incorporates by reference its response to Paragraph 1-157 above.

159. The allegations contained in Paragraph 159 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

160. The allegations contained in Paragraph 160 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

161. The allegations contained in Paragraph 161 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

162. Defendant denies the allegations in Paragraph 162 of the Amended Complaint.

163. Defendant denies the allegations in Paragraph 163 of the Amended Complaint.

164. Defendant denies the allegations in Paragraph 164 of the Amended Complaint.

165. Defendant denies the allegations in Paragraph 165 of the Amended Complaint.

166. Defendant denies the allegations in Paragraph 166 of the Amended Complaint.

167. Defendant denies the allegations in Paragraph 167 of the Amended Complaint.

168. Defendant denies the allegations in Paragraph 168 of the Amended Complaint.

169. Defendant denies the allegations in Paragraph 169 of the Amended Complaint.

170. Defendant incorporates by reference its response to Paragraph 1-169 above.

171. The allegations contained in Paragraph 171 of the Amended Complaint constitute conclusions of law, which require no response from your Defendant.

172. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 172 of the Amended Complaint.

173. Defendant denies the allegations in Paragraph 173 of the Amended Complaint.

174. Defendant admits the allegations in Paragraph 174 of the Amended Complaint.

175. Defendant admits the allegations in Paragraph 175 of the Amended Complaint.

176. Defendant denies the allegations in Paragraph 176 of the Amended Complaint.

177. Defendant denies the allegations in Paragraph 177 of the Amended Complaint.

178. Defendant denies the allegations in Paragraph 178 of the Amended Complaint.

179. Defendant denies the allegations in Paragraph 179 of the Amended Complaint.
180. Defendant denies the allegations in Paragraph 180 of the Amended Complaint.
181. Defendant denies the allegations in Paragraph 181 of the Amended Complaint.
182. Defendant denies the allegations in Paragraph 182 of the Amended Complaint.
183. Defendant denies the allegations in Paragraph 183 of the Amended Complaint.
184. Defendant denies that Plaintiff is entitled to any relief prayed for by him in his “Prayer For Relief” paragraphs (a)-(g).

185. Plaintiff is not entitled to a trial by jury on Count II or Count V.

AFFIRMATIVE DEFENSES

186. Plaintiff’s claims are barred in whole or part by the applicable one-year statute of limitations. *A Society Without A Name v. Virginia*, 655 F. 3d 342 (4<sup>th</sup> Cir. 2011)

187. Plaintiff’s belated requested accommodation as to the permanent maintenance position he applied for, was offered, and which he ultimately rejected, imposed an undue hardship on the City by disrupting the operation of the Skatepark.

188. Plaintiff is not entitled to damages because the City consistently and as its practice engaged in good faith efforts in consultation with Plaintiff to identify and make any reasonable accommodations.

WHEREFORE, the City of Charlottesville moves the Court to dismiss the Amended Complaint against it with prejudice.

THE CITY OF CHARLOTTESVILLE,  
By Counsel

s/Richard H. Milnor

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of October, 2023, I electronically filed the foregoing Answer with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Richard H. Milnor  
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